

## REMARKS

The Examiner is thanked for her careful and very thorough Office Action.

Claims 1-5, 15, and 19 have been allowed. Claims 6 through 9 have been rejected. This amendment accompanies a Request for Continued Examination.

### ***Claim Rejections Under 35 USC 102***

Claims 6, 7, and 9 were rejected under 35 USC 102(b) as being anticipated by Scherbatskoy US 5,390,153.

Claims 6, 7, and 9 have been amended. On page 3 paragraph 3 of the 4/17/2007 Final Office Action, the Examiner pointed-out that independent Claim 6 claims “only that the valve is capable of reversible movement.” Further, the Examiner states that “the valve (40) disclosed by Scherbatskoy is capable of irreversible movement.” In response to that argument, Applicant has amended Claim 6 to positively recite the valve’s action “includes irreversible movement”. Therefore, the Applicant respectfully traverses the rejection. Favorable reconsideration, based on the argument presented below, is respectfully requested.

The Applicant respectfully submits that a prima facie case of anticipation cannot now be made against Claim 6, 7, or Claim 9. A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990).

Therefore, Applicant respectfully submits that Claim 6 is in condition for allowance. Likewise, because of their dependence on Claim 6, Claims 7 and 9 are also believed distinguished from the cited reference. Favorable reconsideration of these claims is respectfully requested.

### ***Claim Rejections Under 35 USC 102***

Claim 8 was rejected under 35 USC 102 (a) as being unpatentable over Scherbatskoy US 5,390,153.

As argued above, Claim 6 has been amended. The cited reference does not teach, suggest, or disclose the new limitation of Claim 6. Claim 8 depends on Claim 6. Therefore, the Applicant respectfully traverses the rejection. Favorable reconsideration, based on the argument presented below, is respectfully requested.

Under MPEP §2142, “to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).”

Since the Applicant has amended Claim 1 as argued previously under the rejection based on 35 USC 102, the Applicant asserts that read together, Claim 6 and dependent Claim 8 are not obvious. Specifically arguing to particular claim limitations, having a valve whose action includes irreversible movement in combination with the movement having a time constant of at least about one second is not obvious because the cited reference does not teach or suggest all of the Claim 6 and Claim 8 limitations. Additionally, there is no teaching, suggestion, or motivation in the cited reference to modify its teachings.

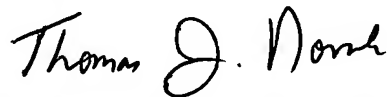
\* \* \*

Conclusion

Thus, all grounds of rejection are traversed or accommodated, and favorable reconsideration and allowance are respectfully requested. The Examiner is requested to telephone the undersigned Patent Agent or Robert Groover for an interview to resolve any remaining issues.

August 27, 2007

Respectfully submitted,



Thomas J. Novak, Reg. No. 57,683  
Patent Agent for Applicant

**Customer Number 29106**

Groover & Holmes

PO Box 802889

Dallas, TX 75380

Tel: 972-980-5840

fax: 972-980-5841